

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
PORTLAND DIVISION

FILED 10 JUN 23 15 51 USDC-ORP

**GARY L. WILSON,**

Plaintiff,

v.

**FEDERAL BUREAU OF  
INVESTIGATION,**

Defendant.

No. CV 10-571-MO

OPINION AND ORDER

**MOSMAN, J.,**


Mr. Wilson brings a copyright claim against the Federal Bureau of Investigation. He filed a Motion for Appointment of Pro Bono Counsel (#2), which I denied. He now seeks reconsideration of my prior ruling. (*See* Mot. for Recons. (#5).)

"In proceedings in forma pauperis, the district court 'may request an attorney to represent any person unable to afford counsel.'" *Agyeman v. Corrections Corp.*, 390 F.3d 1101, 1103 (9th Cir. 2004) (quoting 28 U.S.C. § 1915(e)(1)). A district court's decision to appoint counsel "is within 'the sound discretion of the trial court and is granted only in exceptional circumstances.'" *Id.* (quoting *Franklin v. Murphy*, 745 F.2d 1221, 1236 (9th Cir. 1984)). In my discretion, I denied Mr. Wilson's request for counsel. (*See* Order (#4).) Mr. Wilson has not sought to proceed in forma pauperis, and his Complaint (#1) does not present exceptional circumstances warranting appointment of pro bono counsel.

Reconsideration pursuant to Federal Rule of Civil Procedure 59(e) is appropriate "if (1) the district court is presented with newly discovered evidence, (2) the district court committed clear error or made an initial decision that was manifestly unjust, or (3) there is an intervening change in controlling law." *Zimmerman v. City of Oakland*, 255 F.3d 734, 740 (9th Cir. 2001). Mr. Wilson does not suggest that any of these circumstances apply in this case, nor do I think reconsideration pursuant to Rule 59(e) is justified. Therefore, Mr. Wilson's Motion for Reconsideration (#5) is DENIED.

IT IS SO ORDERED.

DATED this 21 day of June, 2010.

  
MICHAEL W. MOSMAN  
United States District Judge